

REMARKS/ARGUMENTS

Claims 1, 3-4, 7, and 10-13 are pending upon entry of this amendment. Claim 1 has been amended. Claims 2, 5-6, and 8-9 have been canceled. No new matter has been added by the claim amendments. Support for the claim amendments is found, for example, in the preamble of claim 1 as well as in the present specification at page 2, lines 7-9.

Claims 1, 3, and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,613,512 to Kopf-Sill et al. (the '512 patent) or U.S. Patent No. 6,524,790 to Kopf-Sill et al. (the '790 patent) in view of Crabtree et al. (Analytical Chemistry 1999).

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the '512 patent or the '790 patent in view of Crabtree et al. and further in view of Squire et al. (Journal of Microscopy 2000).

Claims 10-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the '512 patent or the '790 patent in view of Crabtree et al. and further in view of Armstrong et al. (Cytometry 2000).

Telephone Interview

The undersigned thanks the Examiner for the helpful interview conducted on April 2, 2008. As discussed during the interview, elements from the preamble of claim 1 have been added to element (b) of amended claim 1.

Claim Rejections - 35 U.S.C. §103(a)

Amended claim 1 recites "measuring the characteristic parameter of the analyte" "wherein the characteristic parameter of the analyte is independent of the flow velocity of the analyte," among other elements. As discussed during the telephone interview, the cited references fail to teach or suggest at least these elements in the manner claimed. Rather than teaching that the characteristic parameter is independent of the flow velocity, the cited references teach a characteristic parameter that depends on the flow velocity. Thus, the pending claims are allowable over the cited references.

On page 3 of the pending Office action, the Examiner correctly stated that the '512 patent discussed that "Reactants and products with different velocities (characteristics of an analyte) are measured in a microfluidic channel." As discussed in the '512 patent, the

"concentration of product downstream of the reaction site also depends on the velocity of the product. For example, if the velocity of the product is substantially slower than the velocity of the substrate in the system, then the product concentration will be substantially higher than the decrease in the substrate concentration that produced it." ('512 patent at col. 8, lines 2-10). Thus, in the '512 patent, the characteristics (e.g., reactant concentration, product concentration, or reaction rates) are dependent on the flow velocity.

Because the cited references only discuss reactant/product concentrations and reaction rates that are dependent on flow velocity, they fail to teach or suggest a characteristic parameter that is independent of the flow velocity. Therefore, for at least these reasons, claim 1 is in condition for allowance.

Claims 3-4, 7, and 10-13, which depend from claim 1, are in condition for allowance, for at least the reasons discussed in relation to claim 1, as well as for the additional elements they recite.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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